

TRAVL9.017A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin R. Schiff, et al.

Group Art Unit 2166

Appl. No. : 09/728,583

Filed : December 1, 2000

For : SYSTEMS AND METHODS  
OF COMPARING PRODUCT  
INFORMATION

Examiner : Unknown

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

August 24, 2001

James B. Bear, Reg. No. 25,221

**DECLARATION UNDER 37 C.F.R. § 1.47(a) BY JAMES B. BEAR  
REGARDING NONSIGNING INVENTOR FRED LOCICERO**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, James B. Bear, declare and state the following:

1. I am a patent attorney at Knobbe, Martens, Olson and Bear, LLP, which represents Travel Services International, Inc. ("Travel Services International") with regard to certain intellectual property matters.

2. I am informed and believe that Martin Schiff, Kathleen Sussman-Wiles, Vivian Ewart, Wallace Huff, Byron Berk, Maureen Elenberger, Timothy Fessenden, Paul Fitton, Vance Loiselle, Michael Carpenter, Michael Sherota, Elizabeth Judy, Elena Rodriguez, Holley Christen, Mitch Cox, Todd Elliott, Kevin Helms, Adolf Quintana, Dot Tolle, Nancy Porter, Karen Reynolds, Monica Scanlon, Paul Colangelo, Tracey Codd, Joannell DeLand, Timothy Moorhead, Anne D. Burkard, George DelPino, Joelle Delva, Sharon Everhart-Brooks, Bradley Ferguson, David Forman, Samuel Hintz, Irwin Klotz, Courtney Kurk, Keith Leslie, Sandi Levy, Fred

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Locicero, Charlotte Luna, Jeffrey Nickerson, and Maryann Bastnagel are joint and co-inventors in the above-referenced U.S. patent application.

3. I am informed and believe that at the time of the activities leading up to the invention of the subject matter of the above-referenced U.S. patent application, Fred Locicero was an employee of Travel Services International.

4. I am informed and believe that Fred Locicero participated in a project to develop systems and methods of comparing product information on behalf of Travel Services International.

5. The last address of Fred Locicero, known to me, is:

58 Carnegie Drive  
Smithtown, NY 11787.

6. On December 13, 2000, I had a letter sent by Federal Express Priority Overnight Service to Fred Locicero, 58 Carnegie Drive, Smithtown, NY 11787. The letter included a copy of the above-referenced U.S. patent application, a Declaration by Inventors for the application, and an Assignment form for the application. The letter asked Fred Locicero to sign the enclosed Declaration by Inventors, sign and notarize the Assignment form, and then return the papers to me. A copy of the delivery documentation, the letter, and the enclosures relating to the above-referenced patent application are attached hereto as Exhibit A and are incorporated herein by reference.

7. On April 4, 2001, I sent a letter written on April 2, 2001 by Federal Express Standard Overnight Service to Fred Locicero, 58 Carnegie Drive, Smithtown, NY 11787. The letter was a follow-up to the December 13, 2000 letter and contained additional copies of the Declarations by Inventors and Assignments. Fred Locicero was asked to complete the forms per the instructions in the prior letter and return to me in a provided Federal Express envelope. A copy of the delivery documentation and the letter are attached hereto as Exhibit B and are incorporated herein by reference.

8. On April 25, 2001, I sent another letter via Federal Express Priority Overnight Service to Fred Locicero, 58 Carnegie Drive, Smithtown, NY 11787. The letter was a follow-up to both the December 13, 2000 and April 2, 2001 letters. The letter urged Fred Locicero to sign and notarize the Declaration and Assignment and return them to me or notify me why he was

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unwilling to sign the Declaration and Assignment. A copy of the delivery documentation and the letter are attached hereto as Exhibit C and are incorporated herein by reference.

9. On May 10, 2001, I received a voice message from Fred Locicero. Fred Locicero informed me that his lawyer was reviewing the documents and he would return the documents after his lawyer had a chance to review them. Fred Locicero also left a phone number of (631) 724-8499.

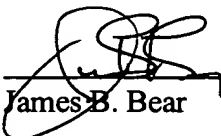
10. On July 20, 2001, I sent a final letter via U.S.P.S. Certified Mail Service to Fred Locicero, 58 Carnegie Drive, Smithtown, NY 11787. The letter was a follow-up to both the December 13, 2000 and April 5, 2001 letters. The letter informed Fred Locicero that after May 10, 2000 I had not received any contact from him regarding the Assignment and Declaration. Further, the letter informed Fred Locicero that if I did not hear soon I would have no choice but to inform the PTO of his refusal to sign. A copy of the delivery documentation and the letter are attached hereto as Exhibit D and are incorporated herein by reference.

11. On August 16, 2001, I instructed Amy C. Christensen, an attorney at Knobbe, Martens, Olson, and Bear, LLP, to contact Fred Locicero via telephone to follow up on the status of the documents. She informed me that she left a voice message on August 16, 2001 at approximately 3:34 p.m. at (631) 724-8499.

12. As of August 22, 2001 I have not received any additional contact from Fred Locicero, after the May 10, 2001 voice message, in response to the letters I sent him.

13. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 8/23/01

By:   
James B. Bear